United Nations A/67/369

General Assembly

Distr.: General
13 September 2012

Original: English

Sixty-seventh session
Item 70 (c) of the provisional agenda*
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Islamic Republic of Iran**

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report on the situation of human rights in the Islamic Republic of Iran submitted by the Special Rapporteur on the situation of human rights, Ahmed Shaheed, in accordance with Human Rights Council resolution 16/9. The Special Rapporteur presented his first interim report to the General Assembly during its sixty-sixth session, and submitted his first report to the Human Rights Council during its nineteenth session. The Human Rights Council extended the mandate of the Special Rapporteur during that session.

The present report does not cover all potential violations of human rights in the country, but provides an overview of the prevailing human rights situation, with a focus on systemic issues that pose obstacles to the ability of the Islamic Republic of Iran to comply with its international obligations.

* A/67/150.

** The present report was submitted after the deadline as a result of consultations with the Member State.

12-50813 (E) 081012

Please recycle

Report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran

Contents

		Page
I.	Introduction	3
II.	Methodology	4
III.	Civil and political rights	5
	A. Freedom of expression and the right to information	5
	B. Freedoms of assembly and association	9
	Human rights defenders	10
	C. Freedom of religion	10
	1. Baha'i community	11
	2. Christian community	11
	3. Dervish community	12
	D. Administration of justice	13
	1. The revised Islamic Penal Code	13
	2. Rights of due process	14
	3. Independence of the legal community	15
	4. Situation in prisons	16
	5. Torture, cruel and degrading punishments and executions	16
IV.	Economic, social and cultural rights	17
	The rights to education, economic, social and cultural development	17
	1. The Arab community	19
	2. Azeris	20
V.	Rights of the child	21
	A. Executions, cruel and degrading punishment	21
	B. Child marriage	21
VI.	Conclusions and recommendations	22

I. Introduction

1. In his report to the General Assembly at its sixty-sixth session,[1] the Special Rapporteur considered that the outcome of the Islamic Republic of Iran's universal periodic review of 2012 provided a sound platform for his dialogue with the Government of the Islamic Republic of Iran and the international community. Of the 123 recommendations accepted by the Government, roughly 35 per cent were related to concerns about civil and political rights; 29 per cent concerned social, economic and cultural rights; some 22 per cent concerned rights covered by the International Convention on the Elimination of All Forms of Racial Discrimination; and approximately 5 per cent were related to children's rights. The recommendations encouraged the Government to, inter alia, address legislative inconsistencies that undermine its international obligations; continue to advance several aspects of its socioeconomic achievements to extend their benefits to minorities; and consider the abolition of juvenile executions.

2. Since the conclusion of the universal periodic review of the Islamic Republic of Iran, a number of significant developments have transpired that affect the Government's ability to implement these recommendations. For example, the Majlis adopted cybercrimes and cybercafe laws, considered the Bill of Formal Attorneyship, and is currently considering a new Islamic Penal Code. A number of human rights defenders and non-governmental organizations, both inside and outside the country, have also raised serious concerns about the effects of sanctions on human rights. The ramifications of these developments on the Government's ability to meet its international obligations are a source of concern, and will be part of the Special Rapporteur's future work and dialogue with the Iranian Government and the international community.

3. The Special Rapporteur welcomes the commentary issued by the Iranian authorities on each paragraph of this report. These comments primarily address examples presented by the mandate holder, which are meant to support his conclusion that inconsistencies in the country's legal framework, capricious implementation of the rule of law, and tolerance for impunity lead to a reality in which the Government's practices are incongruous with its professed principles. The Government maintains that this conclusion is unfounded and supported by "baseless allegations", and that the sources of those allegations are invalid.

4. The Government in its comments also asserts that allegations about legal iniquities are "groundless" since the country's Constitution guarantees that all Iranian citizens are equal regardless of gender, religion, ethnicity or race. It also suggests that claims of due process violations are "fabrications" since the country's body of laws forbids mistreatment of detainees and the use of coerced confessions; establishes a legal process to remedy violations; and provides for access to legal counsel.

5. The Special Rapporteur believes that the Government's examples, as well as the fact that it is a party to five human rights instruments, further validate his observation that the country possesses the basic legislative framework and tools to promote respect for human rights. However, he also maintains that the existence of these legal provisions does not in itself invalidate allegations of human rights violations made by the 221 individuals interviewed for his reports between

[1] A/66/374.

November 2011 and July 2012. Moreover, he regrets that allegations of egregious human rights violations which have been taken up by the special procedures of the Human Rights Council remain unaddressed by the Government.[2] Failure to address human rights violations and breaches of the rule of law contributes to a culture of impunity, which effectively negates the protection offered by the country's legal framework. The Special Rapporteur further believes that the creation of an independent national human rights institution that complies with the Paris Principles would increase the confidence of the international community about the Government's commitment to observe its human rights obligations.

6. Lastly, the Government argues that the Special Rapporteur has ignored several articles of the Code of Conduct for Special Procedures Mandate Holders, especially article 4, which states that mandate holders must fully respect "national legislation and regulations of the country wherein they are exercising their mission". The Special Rapporteur contends that this phrase refers to the responsibility of mandate holders to respect national law while on mission in countries concerned, and does not preclude them from presenting constructive criticism about those national laws that undermine a country's international obligations. The Special Rapporteur hopes to secure the opportunity to engage with the Government on matters raised in his communiqués, and to discuss concerns raised by the international community during the remainder of the second year of his mandate. Similarly, the Special Rapporteur continues to look forward to an opportunity to visit the Islamic Republic of Iran, in line with his most recent request in May 2012.

II. Methodology

7. Since his report to the Human Rights Council at its nineteenth session,[3] the Special Rapporteur has issued two joint statements regarding alarming trends in the country's human rights situation, including the prosecution of human rights defenders and lawyers, and executions in the absence of fair trials. The Special Rapporteur has also addressed several communications regarding specific cases to the Government.

8. For the purposes of this report, the Special Rapporteur has reviewed a number of documents, including national legislation; documents produced by treaty body reviews, including national reports; international and national media reports; and reports from non-governmental organizations and human rights defenders. He also examined the Government's comments and observations on his report of March 2012 to the Human Rights Council, which were issued by the Islamic Republic of Iran during the Special Rapporteur's interactive dialogue with the Council.

9. Despite not being allowed to visit the country, the Special Rapporteur followed 124 cases between February and June 2012, in relation to which he conducted 99 interviews with individuals located inside and outside the country. Of those interviews, 75 can be attributed to first-hand accounts, and 24 were conducted with reliable sources or eyewitnesses of human rights violations. The Special Rapporteur

[2] The special procedures of the Human Rights Council have transmitted 21 communications from 1 January to 30 August 2012, but have received only one reply from the Government.

[3] A/HRC/19/66.

has launched a website in order to present his work and the Government's comments on his work.[4]

III. Civil and political rights

A. Freedom of expression and the right to information

10. In October 2011, in its report to the Human Rights Committee, in which it reviewed the Government's compliance with the International Covenant on Civil and Political Rights, the Government maintained that "an individual is free to speak, write and form association"[5] and that the Constitution describes the rights and legitimate freedoms of different sections of society, including publications and press freedom. To demonstrate this position, the Government presented the country's Press Law of 1986, which defines the mission of the media; provides for a media licensing scheme; describes the rights of the press in three articles, and defines 17 instances of impermissible content. Impermissible content is defined as, inter alia, that which causes damage to "the foundation of the Islamic Republic"; insults "Islam and its sanctities"; offends "the Leader of the Revolution and recognized religious authorities"; and creates "discord between and among social walks of life specifically by raising ethnic and racial issues".[6]

11. Furthermore, in its comments and observations on the Special Rapporteur's report to the Human Rights Council of March 2012, the Government maintained that article 24[7] of the Constitution is not in violation of article 19 of the Convention, since it "imposes [sic] certain limits to secure respect for rights and dignity of individuals, safeguards [sic] their security as well as maintenance of public order, health, and morality". It further asserted that "media offences are tried publicly and in the presence of a jury".

12. The Special Rapporteur remains concerned that some elements of the Press Law and more recent legal developments undermine the rights to freedom of expression and to information. Despite legal provisions for public press trials in "the presence of a jury", dozens of journalists have unanimously maintained that their trials were conducted behind closed doors, and that trial deliberations were always undertaken by judges and not juries.

13. The draft Islamic Penal Code treats blasphemy as a capital offence.[8] Article 263 states that any person that insults the Prophet of Islam or other Great Prophets shall be considered as *sabb al-nabi* and punished by death. The Special Rapporteur argues that acts of insult and defamation do not constitute "serious

[4] The website contains summaries of those interviews conducted for the Special Rapporteur's reports, as well as a catalogue of material related to the General Assembly, the Human Rights Council, treaty bodies and other special procedures as it relates to human rights in the Islamic Republic of Iran. The website is accessible at http://www.shaheedoniran.org/english/reported-cases/index.1.html.

[5] CCPR/C/IRN/3, para. 622.

[6] Ibid., para. 626.

[7] Article 24 states: "publications and the press have freedom of expression except where there is infringement of the basic tenets of Islam or public rights. In this respect detailed provisions will be laid down by law".

[8] The Islamic Penal Code, article 263 (January 2012).

crimes" for which the death penalty may be permissible, as stipulated by article 6 of the Convention. Despite attempts to refine the Code's blasphemy provisions, the law remains vague on what constitutes an "insult". This lack of precision gives way to arbitrary application of the law, allows for the prosecution of individuals who may not knowingly or intentionally commit crimes that constitute "blasphemy", and runs counter to the guarantees of international human rights instruments, which mandate that capital punishment be applied to "intentional crimes with lethal or other extremely grave consequences".[9]

14. The Computer Crimes Law primarily regulates Internet content and activities. It also compels Internet service providers to document and store the computer histories and personal details of their users. Similarly, the cybercafe law regulates the type of services Internet cafes may provide, the type of content they may allow their users to transfer via their equipment, and requires cafes to document and store the identities and user histories of their customers for "at least six months".[10]

15. The Special Rapporteur is also concerned about reports of Government activities that seemingly infringe on freedom of expression and the right to information. For example, reports indicate that the Center to Investigate Organized Crime[11] has targeted websites deemed to promote "terroristic, espionage, economic or social crimes". This includes websites that allegedly possess pornographic content, insult Islam or Government officials, proselytize unrecognized religions, or establish anti-government political groups.[12] One official website reportedly announced that authorities had identified and terminated 90 "anti-religion, anti-culture and anti-public chastity" websites.[13] It was also announced that documents and confessions were obtained from a number of those involved "who enjoyed the security support of foreign nations", for the purposes of "advancing the goals of the enemies [sic] in parts of the soft overthrow project".[14] These activities have reportedly resulted in arrests, detentions and even death sentences against individuals accused of developing and maintaining such websites, and Iranian citizens who speak out against the Government on the Internet. Moreover, the authorities recently banned domestic news outlets from reporting on the impact of economic sanctions imposed on the Islamic Republic of Iran.[15]

16. Several foreign news agencies have also reported that authorities have announced a ban on the use of foreign e-mail services such as Yahoo, Gmail, Hotmail and MSN in order to "protect information security" and that, in a letter to the Head of the Radio Communications and Regulations Organization, the Minister of Information and Communications Technology wrote that "these email services

[9] www2.ohchr.org/english/law/protection.htm.

[10] See http://old.isna.ir/ISNA/NewsView.aspx?ID=News-1923707 and www.cyberpolice.ir/page/3031.

[11] Justice for Iran, "Systematic Torture to Obtain Televised Confessions: Gerdab; a Dictated Scenario", 2012; see also http://radiozamaneh.com/english/content/rights-group-accuses-irgc-office?page=2; www.amnesty.org/en/news/iran-duty-inform-2012-05-02; and www.gerdab.ir/.

[12] www.gerdab.ir/fa/content/3.

[13] www.gerdab.ir/fa/pages/?cid=160.

[14] Justice for Iran, "Systematic Torture to Obtain Televised Confessions: Gerdab; a Dictated Scenario", 2012.

[15] www.cpj.org/2012/07/news-coverage-of-economic-sanctions-barred-by-iran.php.

are tools of transferring information out of Iran".[16] The articles also suggested that authorities have supported the development of a national intranet and plan to unplug the country from the worldwide Internet. However, several other news agencies have contradicted these reports.[17]

17. It has been reported that 19 netizens are currently detained in the Islamic Republic of Iran. Four of those detained, Vahid Asghari, Ahmad Reza Hashempour, Mehdi Alizadeh Fakhrabad and Saeed Malekpour, were sentenced to death in January 2012. The death sentence of Mr. Asghari and Mr. Malikpour has reportedly been upheld by the Supreme Court.[18] Allegations brought against all four reportedly include *moharebeh* (enmity against God) and *fisad-fil-arz* (corruption on earth); collaboration or engagement with foreign Governments; insulting leaders of the country; and launching and maintaining pro-opposition websites. Witnesses reported that all four men were psychologically tortured by means of long-term detention in solitary confinement, and with threats to arrest, torture or rape family members. All four men were also reportedly tortured with severe beatings for the purpose of eliciting confessions. In another case, Sakhi Righi was issued the harshest prison sentence ever served to a blogger in the country — 20 years — for "publishing false information" and committing "acts against national security".

18. In his report of March 2012 to the Human Rights Council, the Special Rapporteur highlighted the fact that, as a result of fear of persecution, at least 150 journalists had fled the country since the presidential elections of 2009,[19] with some recent reports estimating this number to be as high as 400.[20] He also reported that the Islamic Republic of Iran had detained more journalists than any other country in 2011. Of those detained, it is estimated that 50 per cent were kept in solitary confinement at some point during their detention; 42.8 per cent were forced into exile in 2010-2011; and half were serving sentences between 6 months and 19.5 years in prison on charges such as "working with hostile governments", "propaganda against the state", and "insulting religious sanctities".[21] On 21 May 2012, Fariborz Rais-Dana, an Iranian economist who criticized subsidy cuts by the Government, began a one-year jail term. Initially arrested on 13 June 2011, Mr. Dana was sentenced to one year in prison on charges including "illegal membership in a writers' association; preparation of press releases for seditionists; statements against the Government; interviews with the British Broadcasting Corporation and Voice of America; and accusing the Islamic Republic of prisoner abuse". The sentence was upheld by an appeals court.

19. On the basis of various media reports emanating from inside and outside the country, the Special Rapporteur estimates that at least 19 journalists were arrested

[16] www.pbs.org/wgbh/pages/frontline/tehranbureau/2012/05/news-foreign-email-banned-extensive-labor-layoffs-private-bank-dissolved.html; http://www.radiozamaneh.com/english/content/foreign-email-prohibited-iran; www.majzooban.org/en/news-and-exclusive-content/2395-foreign-email-prohibited-in-iran.html; www.guardian.co.uk/world/2012/jan/05/iran-clamps-down-internet-use; http://stream.aljazeera.com/story/halal-internet.

[17] http://english.farsnews.com/newstext.php?nn=8101300067; http://english.farsnews.com/newstext.php?nn=9101141301.

[18] https://spdb.ohchr.org/hrdb/20th/UA_Iran_16.02.2012_(2.2012).pdf.

[19] A/HRC/19/66, para. 52.

[20] www.bbc.co.uk/persian/iran/2011/05/110503_l19_iran_press_freedom_day.shtml.

[21] The Committee to Protect Journalists; see www.cpj.org/2012/02/attacks-on-the-press-in-2011-iran.php.

and detained between January and May 2012, and that 10 of these journalists have been released. Thirteen of those detained during this period were arrested during the months leading up to the parliamentary elections of March 2012. Interviewees and media reports also maintained that a number of journalists have been targeted by defamation charges. Also of deep concern is the number of detained journalists that have reportedly been denied reasonable access to medical treatment for psychological and physical illnesses and injuries that either existed prior to arrest, or were sustained during their detention as a result of torture and/or poor prison conditions. These individuals include Masoud Bastani, Issa Saharkhiz, Mohammad Sadigh Kaboudvand, Hossein Ronaghi Maleki, Saeed Matinepour, Mehdi Mahmudian, Kivan Samimi Behbani and Arash Honarvar Shojai.[22] At the time of writing this report, the Special Rapporteur learned that Hossein Ronaghi Maleki was released on bail of $815,000 on 2 July 2012 to seek medical treatment for kidney failure after he embarked on a hunger strike in May 2012 to protest against the authorities' refusal to release him for treatment.

20. In October 2011, the Head of the Ministry of Guidance reportedly announced that individuals that work with satellite networks must coordinate with his office and receive permission, and that "documentary makers, actors and film artists will only be allowed to collaborate with satellite networks that have no anti-regime agenda".[23] It was also asserted that the British Broadcasting Corporation and Voice of America are "intelligence arms of the United States like the CIA" and emphasized that collaboration with those networks "is not collaboration with the media but rather working with the security services of the enemy, and naturally it will be dealt with by the Intelligence Ministry". Six film-makers were reportedly arrested in September 2011 on charges of collaboration with the BBC.[24]

21. Of further concern are reports from independent journalists and from employees of Radio Farda and the BBC, who allege that their family members are frequently arrested, detained, interrogated and subjected to intimidation for the purpose of placing pressure on them to cease their reporting activities, or to solicit information. During interviews for this report, a BBC employee reported that his/her family member was detained and ordered to contact and encourage him/her to resign from the BBC. In another case, a family member of a BBC employee was reportedly arrested and pressured to contact the employee in London, who was subsequently subjected to an online interrogation. A number of reporters have also asserted that constant surveillance, along with the threat of arrest and detention of family members, created an atmosphere of fear which discourages family and friends located in the Islamic Republic of Iran from engaging with their family members that work for foreign media, establishing a situation of virtual exile for all involved.

22. Artists and intellectuals are also reportedly prosecuted for free speech activities. In May 2012, Mahmoud Shokraiyeh was sentenced to 25 lashings for drawing a caricature of a Member of Parliament. A $100,000 reward for anyone who kills the Iranian rapper, Shahin Najafi, was offered by an Islamist website for a song

[22] Ibid.

[23] http://www.radiozamaneh.com/english/content/security-chief-lays-out-rules-foreign-film-work.

[24] See A/HRC/19/82 (23 May 2012), and www.bbc.co.uk/news/world-middle-east-14976753; http://www.nytimes.com/2011/09/20/world/middleeast/iran-arrests-filmmakers-accused-of-working-for-bbc.html; www.cpj.org/2012/02/attacks-on-the-press-in-2011-iran.php; http://www.cpj.org/2011/09/iran-arrests-six-documentary-filmmakers.php.

that satirizes the Islamic Republic and addresses a historic religious figure.[25] In October 2011, the film-maker Jafar Panahi was charged with "assembly and colluding with the intention to commit crimes against the country's national security and propaganda against the Islamic Republic", and a sentence of six years in prison, along with a 20-year ban on film-making, writing screenplays, conducting interviews with the press and foreign travel was reportedly upheld by an appeals court. Mr. Panahi has filed an appeal with the Supreme Court.[26] Mohamed Rasoulof, another prominent film-maker, was sentenced to six years in prison on similar charges.[27]

B. Freedoms of assembly and association

23. Article 21 of the International Covenant on Civil and Political Rights protects peaceful assembly, permitting restrictions on only narrow grounds that threaten national security, public safety order, health or morals, or infringe on the rights and freedoms of others. The Covenant also guarantees freedom of association and the "right to form and join trade unions for the protection of (one's) interests".

24. In October 2011, the Government reported to the Human Rights Committee that article 26[28] of the Iranian Constitution does not conflict with the provisions of the Covenant, since limitations are enforced only in those cases stipulated by article 21 of the Covenant, and that article 27 promotes freedom of assembly within internationally accepted limits.[29] The Special Rapporteur maintains that these restrictions appear to predominantly curb freedoms of association and assembly, since they ostensibly function as norms rather than exceptions, and appear to primarily protect Government interests, rather than the interests of Iranian citizens. Moreover, recent legal developments[30] and reported Government actions seem to further infringe upon freedoms of association and assembly, which are crucial to the health of civil society, and to its function to criticize and advocate for policies that address issues of common concern. For example, independent unions are currently banned in the country, and the Association of Journalists was banned in 2009.

25. On the other hand, some non-governmental organizations that have met with the Special Rapporteur, including the Organization for Defending Victims of Violence[31] maintain that they are free to operate in the Islamic Republic of Iran, without Government interference. In its report issued late in 2012, the organization,

[25] www.reuters.com/article/2012/05/14/us-iran-germany-rapper-idUSBRE84D0NB20120514; http://isna.ir/fa/news/91030100591/; www.farsnews.com/newstext.php?nn=13910224000865.

[26] See A/66/361 (15 September 2011), and www.guardian.co.uk/film/2011/oct/18/jafar-panahi-loses-appeal-prison.

[27] Semi-official news (ISNA), 20 December 2011, available from www.isna.ir/isna/newsview.aspx?id=news-1677747&lang=p.

[28] Article 26 guarantees freedom of association except where there is violation of the "principles of independence, freedom, national unity, Islamic standards, and the foundations of the Islamic Republic".

[29] Article 27 states: "Unarmed assemblies and marches may be freely organized, provided that no violation of the foundations of Islam is involved".

[30] A/HRC/19/66, para. 16.

[31] The Organization for Defending Victims of Violence reported that the new law on non-governmental organizations prompted a strong reaction on the part of Iranian non-governmental organizations, which forced the parliament to suspend its passage and conduct a further review of the bill; see www.odvv.org/.

which describes itself as a "non-government, non-profit, non-political organization", reported that it worked to address 66 of the accepted recommendations in the universal periodic review through various conferences, educational courses, colloquiums, reports, and international and domestic affiliations.

Human rights defenders

26. In its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government released some information on specific cases presented in the Special Rapporteur's previous report. However, in doing so, it maintained the legitimacy of vaguely defined and overly broad charges such as "keeping top-secret information in order to make the same available to foreigners", "collusion with the intent to overthrow and acts against national security", and "false propagation against the governance of the Islamic Republic of Iran".

27. In two dozen interviews with the Special Rapporteur, human rights defenders reported being arrested and held incommunicado in solitary confinement for periods ranging from several weeks to 36 months, without charge or access to legal counsel. Most of them also reported that they were subjected to severe physical torture during interrogations, which were aimed at coercing confessions or soliciting information about other human rights defenders and human rights organizations. Methods employed reportedly included severe beatings with batons and other objects, mock hangings, electrocution, and actual rape. Other forms of psychological torture allegedly included sleep deprivation, denial of food and/or water, and threats of arrest, detention, rape or murder of family members. Several victims also reported being drugged with hallucinogens.

28. Many of the human rights defenders interviewed by the Special Rapporteur further reported that human rights defenders in general are subjected to unfair trials and issued severe sentences, including flogging, long-term activity and travel bans, long-term exile, and prison terms ranging from six months to 20 years. Interviewees also reported the arrest, detention and interrogation of family members and friends, and maintained that family and friends were threatened, insulted and tortured for the purpose of placing pressure on detainees, or to discourage them from public discussions about the situation of their loved ones.

C. Freedom of religion

29. In its third periodic report to the Human Rights Committee and its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government affirmed that the freedom to hold "any religious or political belief is guaranteed under the Constitution" and that "no one can be put to trial or punished, or deprived of social rights owing to a particular belief". They also noted that "the investigation of individuals' beliefs is forbidden, and no one may be harassed or taken to task simply for holding a certain belief". The Government also noted that, although Islam is the official religion of the country, Zoroastrians, Jews and Christians "freely exercise their faiths".

30. The Special Rapporteur is mindful of the country's constitutional provisions, and of the fact that apostasy does not appear as an offence in the draft Islamic Penal Code currently under consideration. However, other aspects of Iranian law and

procedures work to circumvent protections and undermine these rights, weakening the ability to protect and promote the ideals they represent. For example, article 167 of the Constitution, article 220 of the draft Penal Code and article 289 of the Criminal Procedures Code compel judges to issue verdicts and sentences on the basis of "authoritative Islamic sources and authentic fatwa" in the absence of codified prescription. Therefore, the Penal Code's silence does not prohibit capital punishment for individuals charged with apostasy. Rather, the code's reticence on the matter serves as a loophole, which potentially allows for the application of capital punishment in cases of apostasy.

31. Reports and interviews submitted to the Special Rapporteur also continue to portray a disturbing trend with regard to religious freedom in the country. Members of both recognized and unrecognized religions have reported various levels of intimidation, arrest, detention and interrogation that focus on their religious beliefs. Some reported that they were psychologically and physically tortured. A majority of interviewees maintained that they were repeatedly interrogated about their beliefs, when they adopted new beliefs, if they were from Muslim families, and/or about other members of their congregations and their activities. Several interviewees said that they had been charged with such crimes as *moharebeh*, *fisad-fil-arz*, and acts against national security, rather than apostasy.

1. Baha'i community

32. In its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government claimed that, while the Baha'i faith is not officially recognized, members have "equal legal, social and economic rights". The Government also characterized adherents of the Baha'i faith as members of a "cult" who are often encouraged to "infringe upon the law of the land". The Government's response appeared to qualify its actions as meeting the limitations built into article 18 of the International Covenant on Civil and Political Rights with regard to maintaining public order, national security, public health, or morals, without clarifying their claim that Baha'i actions may violate these conditions.

33. At the time of drafting the report, 105 members of the Baha'i community were reported to be in detention, up from 97 earlier in 2012. The Special Rapporteur also continues to receive reports that members of the Baha'i community face intimidation and arrest because of their religion. For example, on 17 February 2012, officials reportedly arrived at a charity event in Mashhad, demanded the cell phones of all present, required them to report on their personal details, and identify their religion in writing and in front of a video camera. Officials reportedly presented a warrant issued by the Intelligence Ministry to search the home of an individual charged of "committing a misdemeanour", despite the fact that the event was not being held at the residence of the individual they sought, nor was the individual present at the event. Moreover, individuals that identified themselves as Muslims were reportedly separated from Baha'is, questioned about their relationships with Baha'i attendees and released. The authorities then reportedly proceeded to arrest a number of Baha'is.

2. Christian community

34. It has been reported that more than 300 Christians have been arbitrarily arrested and detained throughout the country since June 2010, and that at least

41 individuals were detained for periods ranging from one month to over a year in prison, often without official charges. In some cases, detainees have allegedly been tortured and tried for serious crimes in the absence of fair trials, including legal counsel.

35. It has also been reported that church officials are required to inform authorities before admitting new members to their congregations; that members of certain congregations have been required to carry membership cards, which are reportedly checked by authorities posted outside congregation centres; and that meetings for evangelical services are restricted to Sundays. It was reported that Christians have been summoned, detained and interrogated, during which they are often urged to return to Islam if it is found that they have converted to Christianity, and threatened with arrest and apostasy charges if they do not comply.

36. Interviewees also reported that Christian churches, especially those of the evangelical and protestant denominations, are forced to operate underground, holding church services in private homes, called house churches, even though it is illegal to operate without permits. A pastor for the Church of Iran, Behrouz Sadegh Khanjani, reported during an interview that his church unsuccessfully attempted to obtain such a permit from the authorities, but asserted that since churches are not political parties or non-governmental organizations, they should not be legally required to obtain a permit under Iranian law.

3. Dervish community

37. Reports submitted to the Special Rapporteur allege that Gonabadi Dervishes endure attacks on their places of worship, and are frequently subjected to arbitrary arrest, torture and prosecution. The Special Rapporteur also examined reports regarding a series of attacks on the Dervish community, as well as arrests allegedly carried out from 3 to 14 September 2011 in the cities of Tehran, Shiraz and Kavar by volunteer paramilitary Basij forces. The attack reportedly resulted in five injured and some 200 arrested.[32] On 3 September 2012, the authorities, in a letter confirming the arrest of 200 followers of the Gonabadi Dervishes order, reported that with the exception of Saeed Goodarze, Masood Jafari Nokande, Gholam Reza Khojaste, Mohammad Hassan Janat, Abbas Haghneya, Hassan Jahaze, Davood Mozame Goodarze, Mohammad Goodarze, Abdolali Hooshmande, Abdul Saleme, Mohammad Reza Rezaifard and Fatollah Haghneya, cases against the others had been dismissed by the court owing to a faulty indictment.

38. During an interview, a website journalist, Farhad Nouri Koouchi, reported that plainclothes security forces attacked the town of Kavar on 1 September 2011, but that local police intervention resulted in the arrest of some 200 Dervishes who were blamed for the violence. The real attackers were allegedly allowed to remain in Kavar, which was placed under curfew. Mr. Koouchi further reported that security forces arrived at the offices of his news website, which covered the aforementioned developments, at 1 a.m. on 3 September. Authorities reportedly broke down the door, confiscated books, computers and office documents; surrounded all 12 employees with guns and arrested them, breaking the arm of one website reporter in the process. Later that day, three lawyers from the community, Amir Eslami, Afshin

[32] www.rferl.org/content/irans_dervishes_come_under_attack_again/24318940.html; www.iranhumanrights.org/2011/09/mostafa-azmayesh/.

Karampour and Gholamreza Shirzadi, who were reportedly invited by the Kavar Governor's Office to discuss the attacks, were also arrested.

39. It was also reported that the trial of 189 Dervishes who had been arrested in November 2007 began on 3 May 2012. The defendants were arrested at a protest against the demolition of their mosque and were reportedly charged with "acting against national security", "disrupting public order", "insulting the Supreme Leader", and "participation in a conflict". The trial was scheduled to be held over a 10-day period, during which 18 to 20 defendants per day were scheduled for trial in Branch 104 of the Boroujerd General Criminal Court. All charges, except for "disturbance of public order", were reportedly dropped. It was also reported that 22 lawyers volunteered to represent the defendants, but that only two attorneys were allowed to participate in the trial for all 189 individuals. The presiding judge reportedly asserted that the number of lawyers wishing to participate in the trial would disturb the proceedings.[33]

D. Administration of justice

1. The revised Islamic Penal Code

40. In his report to the Human Rights Council, the Special Rapporteur reported on the legal inequities that undermine the Government's commitment to equality for women and minorities. In its response to this position, the Government noted that "the Constitution of Iran has indiscriminately and equally provided for the protection of all subjects", and that "all citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria".

41. However, the revised Islamic Penal Code continues to contravene international law and the aforementioned constitutional provisions on gender equality. For example, a woman's testimony in a court of law is regarded as half that of a man's and, despite amendments that now establish a monetary fund to equalize the *diya* (blood money) for men and women in the case of *qisas* (retribution in kind), a woman's life is still valued as half that of a man's.[34] The law also continues to treat girls and boys unequally, recognizing the legal culpability of girls at 9 years and boys at 14 years.

42. The Special Rapporteur also maintains that elements of the new law discriminate against non-Muslim Iranians, especially individuals whose religions are not recognized by the Iranian Constitution. For example, article 558 of the revised Islamic Penal Code stipulates that *diya* be equally distributed to religious minorities that are recognized by the Constitution. However, equitable application of the law does not apply to religions that are not recognized by the Constitution, such as the Baha'i. Moreover, article 311 states that "*qisas* shall be delivered only if the victim is equal in religion with the perpetrator", but that, when the victim is a Muslim, the fact that the murderer is a non-Muslim does not prevent the *qisas*, thereby discriminating against non-Muslims who are murdered, or incur bodily harm at the hands of a Muslim.

[33] www.majzooban.org/fa/exclusive/exclusive-news/3914-014e-.

[34] Article 554 of the new Islamic Penal Code of the Islamic Republic of Iran.

43. The Special Rapporteur also wishes to draw attention to articles 280 and 287 of the new Penal Code which define acts of *moharebeh* (enmity against God) and *fisad-fil-arzz* (corruption on earth) as capital offences. *Moharebeh* is defined as "drawing a weapon on the life, property or chastity of people or to cause terror as it creates the atmosphere of insecurity"; while *fisad-fil-arz* is defined, inter alia, as "crimes against national and international security of the state, spreading lies, disruption of the economic system of the state". These crimes are punishable by execution, crucifixion, amputation of the right hand and the left foot, or banishment. A number of interviews conducted and reports received by the Special Rapporteur show that individuals arrested for political and human rights-related activities are often charged with *moharebeh* and *fisad-fil-arz*.

44. The revised Penal Code appears to increase the severity of punishments for people charged with acts against national security. For example, individuals who are sentenced to flogging or imprisonment for national security charges cannot have their sentences suspended. The Special Rapporteur estimates that approximately 58 per cent of the human rights defenders, journalists, political and cultural rights activists, and religious and ethnic minorities interviewed for this report had been charged with acts against national security, which may be in contravention with the principle of legality enshrined in the International Covenant on Civil and Political Rights.

2. Rights of due process

45. In its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government referred to numerous constitutional and Penal Code provisions that provide for access to a lawyer and for the presumption of innocence. These rights are guaranteed in articles 32 and 34 to 39 of the Constitution, and effectuated by the Law of Respecting Legitimate Freedoms and Citizenship Rights (2004), which determines the criminal procedure and defines standards for a fair trial.[35] Legal provisions allow officials to pursue property searches and arrests only as a result of "judicial decisions and warrants that are clear and transparent"; forbid "harassing individuals by blindfolding, shackling, humiliating or demeaning them"; prohibit the use of torture to gain confessions, and regard coerced confessions as illegitimate evidence.

46. A large number of interviews conducted for this report recounted violations of international human rights law and of the aforementioned national provisions. Of the 99 individuals interviewed, three quarters reported that their property was searched and/or that they were arrested without being presented with warrants. Approximately 73 per cent of those interviewed alleged that they were blindfolded during interrogations; 58 per cent reported the use of prolonged solitary confinement; 62 per cent reported intimidation of family members for the purpose of placing pressure on the target of interrogations; 78 per cent stated that they were beaten during interrogations; and 8 per cent reported being hung from ceilings for the purpose of soliciting confessions. Moreover, 64 per cent of those interviewed alleged that they were denied adequate access to a lawyer after the investigative phase of their case, and another 82 per cent stated that they believed that the judge had already made up his mind about their case, and that he was being directed by the Prosecutor's Office.

[35] www.bia-judiciary.ir/tabid/144/Default.aspx.

47. Ahmed Hamid, a lawyer who represented 19 individuals who were prosecuted in Khuzestan Province for "acting against national security", maintained that he was allowed access to his clients only two days before the trials, for five minutes, in the presence of security forces. Mr. Hamid reported that his objections and assertions in court about his clients' right to see him prior to their trial were ignored by the judge, and that his clients were prosecuted in a trial held within three days for all 19 defendants. He also maintained that, while his clients did not speak Farsi, they were not provided with interpretation, and therefore did not understand what had transpired during their trial. He further indicated that he was allowed to submit a written defence only after the trial, and although he and other actors in the case submitted thousands of pages to the presiding judge, the caller made his decision in an hour. The judge sentenced 10 of the defendants to death. Moreover several of his clients were executed in secret with .t his knowledge or that of family members, while their case was being reviewed b an appeals court.

48. In his interactive dialogue of March 2012 with the Human Rights Council, the Special Rapporteur reported on the case of Loqman Moradi and Zanyar Moradi, who were both sentenced to public hanging on the charge of *moharebeh*. According to reliable sources, both men vehemently denied the charges, but were forced to confess as a result of severe beatings, and threats of rape and arrest of family members. These sources also maintained that authorities informed Zanyar Moradi that he had legal counsel on the day of his trial, while Loqman Moradi was allowed to meet with his attorney two days prior to his trial after a year in detention. The Special Rapporteur later reviewed video produced by Press TV, which reported on the confessions of both men. Reliable sources reported that both men were forced to rehearse answers to questions they were asked during the televised interview.[36]

3. Independence of the legal community

49. The Special Rapporteur joins the International Bar Association[37] in expressing deep concerns over the effects of the Bill of Formal Attorneyship on the independence o. the Bar Association in the Islamic Republic of Iran. The bill reportedly increases Government supervision over the Iranian Bar Association through the establishment of a seven-member commission of "judges, lawyers and attorneys appointed by the Head of the Judiciary for a period of four years". That Commission is in charge of examining the "competence" of individuals that apply to sit on the Board of the Bar Association, and has the power to suspend members of the Board if it determines them to be incompetent. The Bill also directs the Commission to "examine and pronounce itself on decisions made by the High Council of Attorneyship and Provincial Organizations of Attorneys, from the viewpoint of adherence to Sharia law, public interests, people's acquired rights". The bill also grants the Commission the power to issue or revoke attorneys' licences, and therefore has the potential to produce a legal community governed by the views of the judiciary and the Government, rather than acting as an independent actor in defence of the rights of the people.

[36] www.youtube.com/watch?v=J2Y7gJ5hNY&feature=autoplay&list=PLB44834DAB7FA4029&playnext=1; www.youtube.com/watch?v=KtwD4odmNgc&list=PLB44834DAB7FA4029&index=80&feature=plpp_video; www.youtube.com/watch?v=Qij5lawbWbQ&list=PLB44834DAB7FA4029&index=79&feature=plpp_video.

[37] www.ibanet.org/Article/Detail.aspx?ArticleUid=F32AAFBC-F91B-4A5E-9979-0F0807859D22.

50. The Special Rapporteur is also alarmed by reports of Government actions targeting lawyers. He maintains that these have grave implications for the health and efficacy of the judicial system, which requires lawyers to rigorously practise their profession in defence of their clients. During a number of interviews, members of the Iranian legal community reported that they were harassed, threatened, arrested and detained for discussing their clients' cases with members of the press. They reported that they were also deprived of reasonable contact and access to family and legal counsel, and some reported that they were subjected to severe beatings and other forms of ill-treatment and torture for the purpose of soliciting confessions.

51. It is estimated that some 32 lawyers have been prosecuted by the Government since 2009, and that at least nine defence attorneys are currently detained.[38] Their sentences range from six months to 18 years in prison on various charges, including "propaganda against the regime"; creating public anxiety; "committing security crimes"; "giving interviews to foreign media"; "acting against national security"; "anti-regime propaganda by giving interviews"; and "propagating lies".[39] Some lawyers were also banned from practising law.

4. Situation in prisons

52. In its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government argued that "all prisons of the Islamic Republic of Iran are under direct supervision of prosecuting attorneys and their deputies. They may inspect prisons at any time and, at any case of infringement, they may sue violators." However, the Special Rapporteur continues to receive reports about disturbing prison conditions and treatment of detainees.[40] Several actors connected to Orumiyeh Detention Centre and Rajai Shahr Prison reported that political prisoners continue to be deprived of adequate access to medical services, which has allegedly led to the death of at least two detainees in Rajai Shahr Prison, including Mansour Radpour. They also reported on the deterioration of the health of political prisoners who reportedly face poor hygienic conditions, deprivation of proper nutrition, and infrequent access to family members. A number of individuals have reported that they submitted complaints about violations of their rights to the authorities, but that no investigation had been undertaken in accordance with Iranian law.

5. Torture, cruel and degrading punishments and executions

53. The Special Rapporteur joins the Secretary-General in his concern about the frequent use of torture, amputations and flogging, as well as the increasingly frequent application of the death penalty, including in public, and in cases of political prisoners.

54. The revised Penal Code omits stoning. However, as stated earlier, several provisions in the Iranian Constitution and Penal Code compel a judge to "deliver his

[38] Amnesty International, "We are ordered to crush you: expanding repression of dissent in Iran", 28 February 2012.

[39] International Campaign for Human Rights in Iran; see www.iranhumanrights.org/2012/02/iranian-bar-anniversary/.

[40] Severe overcrowding also remains an issue of grave concern. In a prison with a capacity of 3,000 inmates, for instance, 13,000 inmates are held; see www.isna.ir/isna/newsview.aspx?id=news-1886012&lang=p.

judgement on the basis of authoritative Islamic sources and authentic fatwa" in the absence of codified provisions. There is a risk, therefore, that judges can still sentence individuals to death by stoning for adultery.

55. Unpublished data submitted to the Special Rapporteur show that 3,766 flogging sentences have been implemented since 2002, the highest number of floggings in 2009, totalling 1,444. The three most frequent charges in these cases were (a) illicit relationships, including adultery, participating in mixed gender parties, and debauchery; (b) drug-related offences, including drug use, addiction, trafficking or smuggling; and (c) public disruption offences, including assistance in destroying governmental and non-governmental buildings, and acting against the Government, and participating in illegal gatherings. The latter was one of the most frequent charges against those sentenced to flogging in 2009.[41]

56. The Special Rapporteur also continues to raise concerns about the use of capital punishment, including for crimes such as alcohol consumption, adultery and drug-trafficking, which do not constitute serious crimes by international standards. In June 2012, two men were sentenced to death for consuming alcohol for the third time.[42] At least 141 officially announced executions are known to have been carried out between January and early June 2012. Several sources have reported that another 82 secret executions would have been carried out during the same time period, and that there were 53 executions across the country during one week in May 2012;[43] the majority of executions were reportedly related to drug offences.[44] A large number of those sentenced to death were convicted in the absence of fair trial standards.

IV. Economic, social and cultural rights

57. As pointed out in its national report for the universal periodic review, the Islamic Republic of Iran has achieved a number of positive advances in education and reducing infant and maternal mortality rates, putting the country on track to accomplish a number of Millennium Development Goals. However, in addition to the narrowing of public space to criticize or advocate for policies that affect the public interest, it has been reported that restrictions on workers' rights; deprivation of education, cultural and language rights; and the existence of certain discriminatory practices continue to create obstacles to the realization of economic, social and cultural rights, especially for minorities.

The rights to education, economic, social and cultural development

58. The Labour Code of the Islamic Republic of Iran grants workers the right to form "Islamic associations" and "guild societies", subject to the "approval of the Council of Ministers".[45] The country is also a member of the International Labour Organization. In its comments and observations on the Special Rapporteur's report of March 2012 to the Human Rights Council, the Government noted that "labour

[41] Abdorrahman Boroumand Foundation, Washington, D.C.; see www.iranrights.org/.

[42] www.guardian.co.uk/world/2012/jun/25/iranian-pair-death-penalty-alcohol; http://isna.ir/fa/print/91040401521/.

[43] Ibid.

[44] Iran Human Rights; see http://iranhr.net/.

[45] Labour Code of the Islamic Republic of Iran, chapter VI (20 November 1990).

law and the law of political parties, societies, trade unions and professional associations define the parameters of trade union activity. In this context a particularly active labour organization covering 1,450 workshops and factories nationally represents the interests of all workers". Any measures taken against labour groups or leaders were, according to the Government, "a response to the disturbance of public order and security and were taken to prevent social mayhem and disruption of the country's administration".

59. In interviews with the Special Rapporteur, labour rights activists reported that attempts to organize workers' guilds or strikes had been met with severe penalties, which poses grave implications for workers' ability to pursue their interests. A member of the Iranian Teachers Trade Association maintained that the activities of teachers' unions have been increasingly met with punitive actions and violent repression since 2007. That person maintained that the Government had banned independent unions following a series of teacher protests in 2007, and that activists had suffered pay cuts and been forced into retirement. The same person stated that activists in his/her union were often arrested, detained and tortured during interrogations, that they were charged with crimes against national security, and issued severe penalties and harsh sentences for activities aimed at improving education for students and improving the working conditions of teachers nationwide.

60. Furthermore, it continues to be reported that students are being deprived of education as a result of their political activities. Members of the now banned student association, Daftar Tahkim Vahdat, have reported that from March 2009 to June 2012 they identified 396 cases of deprivation of education as a result of expulsion or prohibition from entering university campuses for a given period; 52 of these cases reportedly occurred in 2012.

61. Similarly, interviews with 50 members of minority communities, including Ahwazi Arabs, Azerbaijanis and Kurds, highlighted restrictions on the use of mother-tongue languages in academic institutions which have deprived minorities of adequate access to education, and have prevented them from benefiting from the gains the Islamic Republic of Iran has made in literacy and enrolment rates. In its report of March 2012 to the Committee on Economic, Social and Cultural Rights, the Unrepresented Nations and Peoples Organization presented a study conducted in 1998 by Alireza Sarafi, which highlighted the effects of language rights restrictions on the enrolment rates of ethnic minorities in the country. Data in this study demonstrate a considerable disparity between non-Farsi and Farsi speakers in higher education.

I. Non-Farsi speakers	*II. Native Farsi-speakers*	*III. Enrolment in higher education*
42%	58%	College degree
36%	64%	Undergraduate
12%	88%	Postgraduate
10%	90%	PhD and doctorate

Source: Report submitted in March 2012 by the Unrepresented Nations and Peoples Organization to the Committee on Economic, Social and Cultural Rights at its forty-ninth session for the consideration of the second report of the Islamic Republic of Iran by the Pre-Sessional Working Group.

62. Recent reports also indicate that development policies and gozinesh practices, which employ ideological screenings to regulate access to education and employment, continue to have a negative impact on religious and ethnic minorities across the country. Moreover, in his 2005 report, the Special Rapporteur on adequate housing highlighted the disproportionately poor services, housing, and living conditions of minority communities, and reported that forced evictions and expropriation of land for State-directed agricultural and industrial development seemed to disproportionately target the property of religious and ethnic minorities.

1. The Arab community

63. Arabs reportedly experience high drop-out rates as a result of the lack of education in their mother tongue, and Ahwazi students drop out of schools at a rate of 30 per cent at elementary level, 50 per cent at secondary level, and 70 per cent at high school level. Illiteracy rates among Ahwazi Arabs are reported to total over 50 per cent of the population.[46] Furthermore, publications such as newspapers and educational materials in Arabic are reportedly prohibited. Despite the fact that between 80 and 90 per cent of the country's oil comes from Khuzestan Province, it has been reported that local communities do not benefit from the wealth inherent to the area.[47] Several interviewees also maintained that there was a shortage of water, electricity and sanitation in Khuzestan and that, despite water shortages in the province, water from the local Karun River was being diverted to other provinces.

64. It has been estimated that 4 million Arabs live in impoverished urban slums, and that homes continue to be destroyed in order to facilitate State-sponsored development.[48] In April 2005, a controversial letter allegedly written by a presidential adviser that discussed policies for the relocation of Arabs to other parts of the country, and the planned resettlement of non-Arabs to Khuzestan, was leaked.[49] Protests against the contents of the letter were allegedly met with violence by security forces, leading to the death of at least two children, and the arrest and injury of hundreds of protesters. The alleged author of the letter has reportedly denied the letter's authenticity. In interviews with the Special Rapporteur, members of the community reported that Ahwazi Arabs had been forcibly evicted from their property, undercompensated for their land, and were often left without access to adequate housing, sanitation or clean water.

65. Interviewees also maintain that their objections to discriminatory and development policies in the form of peaceful protests and dissemination of educational literature are often met with arbitrary arrest, detention and prosecution. A majority of interviewees reported that they were subjected to long periods in solitary confinement, denied family visits, subjected to torture for the purpose of soliciting false confessions, and denied legal counsel and interpretation during their trials.

---

[46] Unrepresented Nations and Peoples Organization, "Alternative report submitted to the Committee on Economic, Social and Cultural Rights for the consideration of the second report of the Islamic Republic of Iran during the 49th Pre-Sessional Working Group" (March 2012).

[47] In 2006, the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living reported that cities and towns in Khuzestan Province lacked basic services, which negatively affected the population's health (see E/CN.4/2006/41/Add.2, 21 March 2006).

[48] Unrepresented Nations and Peoples Organization, "Ahwazi Arabs", June 2010.

[49] Ibid., p. 2; and www.amnesty.org/en/library/asset/MDE13/056/2006/en/4eac11e0-d429-11dd-8743-d305bea2b2c7/mde130562006en.pdf.

66. In June 2012, the Special Rapporteur joined the Special Rapporteurs on summary executions and torture in condemning the execution of four Arabs who were arrested in April 2011 at a protest. Abdul Rahman Heidarian, Abbas Heidarian, Taha Heidarian and Ali Sharif were reportedly sentenced to death on charges of *moharebeh* and *fisad-al-arz* in the absence of fair trial standards. In a video plea to the Special Rapporteur, all four defendants denied the charges, maintained that they were tortured for the purposes of soliciting a confession, and maintained that they were sentenced to be hanged in unfair trials.[50] All four men were executed on or around 19 June 2012. Family members were reportedly informed of the execution after it had been carried out. Mohammad Ali Amouri, Sayed Jaber Alboshoka, Sayed Mokhtar Alboshoka, Hashem Sha'bani Amouri and Hadi Rashidi, also members of the Arab community, were sentenced to death on similar charges.

2. Azeris

67. A number of interviews and communications from non-governmental organizations report that Government policies and actions hinder the educational, economic, social and cultural development of Azeris. They assert that the native language of Azerbaijanis is not represented in available media, including newspapers; that a number of Azeri educational and literary journals, like the monthly journal *Dilmaj*, have been closed since 2007; and that Azerbaijani language websites are prohibited. Likewise, Azerbaijanis are reportedly prohibited from teaching in their mother tongue in primary and secondary schools, resulting in one of the highest illiteracy rates among an ethnic group in the country. They also report that artists are prohibited from organizing or participating in cultural activities and that Azerbaijani businesses cannot operate under Azerbaijani or Turkish names.

68. Reports received also suggested the arrest and/or harassment of individuals that attend cultural and political events at locations such as Babek Castle in the town of Kalayber. Reports maintained that demands for language rights are continuously refused and viewed as "unpatriotic", and that individuals that openly criticize Government policies often face punitive measures such as arrest, detention, prosecution and harsh sentences for crimes against national security and the regime.

69. The Special Rapporteur continues to draw attention to the effects of development policies on communities surrounding Lake Urmia, which is located between the East Azerbaijan and West Azerbaijan regions of the Islamic Republic of Iran. It has been reported that the redirection of water from the lake is predominantly responsible for a rapid fall in water levels, resulting in the loss of more than half the lake's water.[51] It is feared that, in addition to increased pressure on agriculture, dwindling supply will result in devastating environmental consequences that will have lasting effects on the densely populated region surrounding the lake.

---

[50] www.alarabiya.net/articles/2012/07/04/224488.html; and www.youtube.com/watch?v=tp7zrBF-3ec.

[51] United Nations Environment Programme, "The drying of Iran's Lake Urmia and its environmental consequences", February 2012.

V. Rights of the child

A. Executions, cruel and degrading punishment

70. The Convention on the Rights of the Child forbids executions of juveniles, life imprisonment and the mixing of children with adults in prison. A number of recommendations in the universal periodic review also called upon the Islamic Republic of Iran to abolish capital punishment in juvenile cases. Article 146 of the new Penal Code states that "immature children have no criminal responsibility", while article 90 limits culpability to those that understand the nature of their crimes, and, if this standard is not met, juveniles may still be subject to the death penalty under Iranian law.

71. According to a report of May 2012,[52] the Deputy for Management and Expansion of Prisons announced that 70 children that had not committed any crime lived in prisons because their mothers were imprisoned. However, the report also indicated that statistics on the phenomenon vary, and drew attention to the work of Farshid Yazdani, who believes that at least "450 children live in prisons alongside their mothers". In addition to being deprived of childhood experiences, these children are also exposed to poor prison conditions, including poor hygiene and malnutrition, which drastically impair their physical, emotional and cognitive development and place them at a serious disadvantage when they are released with their parent. It was also reported that no special measures were taken by authorities to shield these children from violence. In an interview for this report, a journalist reported that a 3-year-old child was raped by a female detainee during her detention, and that although the authorities were made aware of the situation no investigation was conducted.[53]

72. Other reports maintain that infants and children are sometimes used to increase pressure on mothers, or to punish criticism of the Government. For example, several detainees reported that they could hear the screams of a mother and her infant during a female detainee's interrogation. The mother was allegedly prevented from feeding her infant until she cooperated with the authorities, who wanted to know the whereabouts of her husband. Another interviewee reported to the Special Rapporteur that beatings and other forms of mistreatment rendered her incapable of nursing her son, and that at one point she was rendered unconscious for three days and does not know who took care of her son, or if and what he was fed.

B. Child marriage

73. The Special Rapporteur is also deeply concerned about reports that the Legal Affairs Committee of the Iranian Parliament has announced that the law that prohibits the marriage of girls below the age of 13 is considered to be "un-Islamic

[52] www.ihrv.org/inf/?p=5079.

[53] The United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) stress that any decision to allow children to stay with mothers shall be based on the best interest of the child and that the environment provided for such children's upbringing inside prisons shall be as close as possible to that of a child outside prisons. See http://daccess-dds-ny.un.org/doc/UNDOC/LTD/N10/561/94/PDF/N1056194.pdf?OpenElement.

and illegal". Some statistics indicate that in June and July 2012 more than 75 girls under 10 were forced to marry much older men.[54] A majority of these cases are reported in southern provinces including Hormozgan, Sistan and Baluchestan and Khuzestan. It was further reported that a conservative lawmaker for the Parliament's Legal Committee stated that the law must regard 9 as being the appropriate age for a girl to have reached puberty and qualified to get married; to do otherwise would be to contradict and challenge Islamic sharia law; he said that he would seek to change current legislation to permit such marriages.[55]

VI. Conclusions and recommendations

74. **The Special Rapporteur has catalogued a wide range of human rights violations since the submission of his first interim report to the General Assembly. He asserts that these violations are products of legal incongruities, insufficient adherence to the rule of law, and the existence of widespread impunity. This situation undermines the Government's ability to adhere to its international commitments, and undercuts its capacity to advance the recommendations accepted during its universal periodic review, as well as those produced by treaty body reviews and the other special procedures mandate holders. Therefore, the Special Rapporteur concludes that specific attention must be paid to legislation that serves to attenuate and abrogate rights guaranteed by the five international instruments to which the Islamic Republic of Iran is a party. Impunity must also be addressed in order to facilitate accountability, provide redress for human rights violations and strengthen the rule of law, all of which are required to effectively promote respect for human rights in the country.**

75. **The Special Rapporteur also concludes that insufficient progress results from the country's reluctance to substantively engage with the international community on recurring matters of concern. He continues to assert that his mandate should not be viewed as a punitive measure, but should be regarded as an opportunity to frequently and substantively engage the international community in a non-politicized, transparent and constructive forum.**

76. **The submissions and interviews considered for this report provide a deeply troubling picture of the overall human rights situation in the Islamic Republic of Iran, including many concerns which are systemic in nature. The Special Rapporteur urges the Government to reconsider legislation reviewed in his current and previous reports, as well as other aspects of the country's legal framework that infringe on those human rights promulgated by international human rights treaties.**

77. **Furthermore, the Special Rapporteur again emphasizes the need to explicitly define actions that constitute crimes against national security, and encourages the Government to guarantee the space for public criticism or advocacy through peaceful activities that are protected by international law. He**

[54] www.majzooban.org/en/news-and-exclusive-content/2688-iran-seeks-to-legalise-marriage-for-girls-under-10-.html; www.globalawareness101.org/2012/07/iran-iranian-parliament-seeks-to.html; www.ihrv.org/inf/?p=5051.

[55] Article 1049 of the Civil Code allows for early marriages, namely, 13 lunar years for girls and 15 lunar years for boys.

calls on the Government to ensure that restrictions on freedom of expression and the right to information are "content-specific", as called for by the Human Rights Committee in its General Comment 34 on article 19.

78. **The Special Rapporteur also continues to underline the importance of perpetuating a culture of tolerance, and urges the Government to prevent discrimination against women and girls, as well as religious and ethnic minorities, in all spheres of public life and services, and to protect their freedoms to freely associate and express themselves. He further calls on the Government to ensure that the minimum age for marriage complies with international standards and that measures to prevent the forced, early and temporary marriage of girls are established.**

79. **The Special Rapporteur again emphasizes his concern about alleged violations of rights of due process, and requests that the Government investigate allegations of physical and psychological torture and the denial of due process rights. In this regard, the Special Rapporteur also re-emphasizes the need for an extensive, impartial and independent investigation into the violence in the weeks and months that followed the presidential election of 2009. He reiterates his call for the immediate release of all political prisoners and prisoners of conscience, including those alluded to in the current and previous reports; requests that the treatment of prisoners meet minimum international and national standards; and that prisoners are granted adequate access to medical care, in accordance with international standards and Iranian law.**

80. **The Special Rapporteur continues to deplore the use of stoning as a form of capital punishment, and continues to strongly urge the Government to enforce its moratorium on stoning, to consider the reversal of existing stoning sentences, and to consider explicitly prohibiting its use. The Special Rapporteur also reiterates his concern about the implementation of the death penalty including in cases that do not meet the "most serious crimes" standards, as stipulated by international law. He calls on the Government to consider revisiting its qualification in the revised Islamic Penal Code on the use of capital punishment for juveniles and to consider prohibiting juvenile executions; and reiterates his call for a moratorium on the implementation of capital punishment sentences until such time as fair trial standards for capital cases can be adequately demonstrated.**

81. **The Special Rapporteur also joins the treaty bodies and other special procedures mandate holders that have emphasized the need to strengthen effective safeguards against human rights abuses. To that effect, he continues to emphasize the need to establish an effective national human rights mechanism that is compliant with the Paris Principles, in order to ensure that violations of human rights are investigated and sufficient remedies are provided.**